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Mayor

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CONSERVATION COMMISSION MEETING MINUTES

April 24, 2008
Beginning at 7:30 p.m.
Room 209, City Hall

MEMBERS PRESENT: I. Wallach, Chair, N. Richardson, S. Lunin, R. Matthews, D. Dickson, and Associate: J. Hepburn; D. Green arrived shortly after the meeting began.

MEMBERS ABSENT:

MEMBERS OF THE PUBLIC: See attached sign-in sheet

Dudley Rd. reconstruction & other street work – RDA filed by Dept. of Public Works for reconstruction of Dudley Rd. from Brookline to 249 Dudley, work on Hagar St., Pine St., Roosevelt Rd., etc., including replacement of drainage swales with catch basins.

Report: Visited all sites w/John Daghljan, City Engineer, and reviewed proposed work. Recommended Filtrexx filter soxx or similar product, staked every 3-5 ft, on Dudley Rd for erosion and sediment control. Some sites require no erosion and sediment control, or only to have storm drains lined with silt sac to prevent pollution of adjacent wetlands during work. RDA asks for determination on resource areas (positive), but should have asked for determination on work.

Meeting: John Dahgljan was present to represent DPW and described the proposed work. I. Wallach asked if staff had visited the sites. J. Daghljan asked the Commission if he could amend the RDA to ask for a determination on the work. There are not really any drainage improvements planned. If DPW works on the headwall on Dudley Road, they should talk to staff prior to the start of that work to coordinate additional erosion and sediment control, if needed. DPW will use temporary plastic pipes to supply local residences while replacing water pipe on the Waltham border (Riverview Ave.). Microsurfacing will use combination of bituminous asphalt and Portland cement that is guaranteed for two years.

Vote: Motion by D. Dickson to issue a negative determination on the work. Second by R. Matthews.

Vote: All in favor. Motion passed.

32 Williams Street – NOI for demolition of existing house and construction of a two-family house in the 100 ft buffer zone to bordering vegetated wetland and in the 200 riverfront to the Charles- continued from Nov. 15.

Report: Last meeting there was a motion to deny the project without prejudice, but the motion did not carry, and applicant had requested a continuance. Filing continued to Apr. 24th meeting. Notified applicant & representative that continuance granted. No new plan submitted, and representative verbally indicated they would request to withdraw w/out prejudice.

Conservation Commission

1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: mhorn@newtonma.gov
www.ci.newton.ma.us

Meeting: Ralph Robart – petitioner - was present and provided an update. He plans to submit a new plan within 60 days and requested a continuance until June 26th.

Vote: Motion by D. Dickson to continue the hearing until June 26th. Second by D. Green. Vote: All in favor. Motion passed.

131 Brandeis Road – NOI for proposed addition & basement addition & deck to house within 100 ft buffer zone and within 35 ft of bordering vegetated wetland.

Report: Meeting continued for planting plan for buffer strip along back of yard.

Meeting: Ellen Concannon, co-owner, present. She furnished planting plan and photos to staff for review. She also asks to stockpile soil in the front yard during work. Staff advised use of silt sack to keep soil from entering storm drains in street down-elevation from the yard, since these drain toward wetland area. The Commission asked if she agreed to advise contractor to place snow fence around drip-line of tree (30" diameter, shown on plot plan) to avoid damaging its roots and also to use the type of erosion and sediment control (filter soxx type) advised by staff to avoid damaging roots by entrenching haybales and/or silt fence. Mrs. Concannon said that she agreed to these conditions.

Vote: Motion by D. Green to approve project with conditions as noted. Second by N. Richardson. Vote: All approved. Motion passed.

Charles River Watershed Association – Julie Wood – report on water quality

Meeting: Ms. Wood reported on the CRWA's "Find it & fix it" storm water program's water-testing in the Charles and other perennial streams in Newton. They try to identify sources of non-point pollution, guide remediation and educate the public about sources of pollution. They have sampled Cheese Cake Brook, Saw Mill Brook and South meadow Brook, in addition to the Charles. The lawns and parking areas directly abutting the river are likely the greatest sources of pollution to the Charles. The phosphorus (P) in the Charles is twice that of the total maximum daily load (TMDL) published by DEP for the Charles. A lot of P is contributed by car exhaust. Cheese Cake Brook has high levels of *E. coli* bacteria, P, and total suspended solids (TSS). Saw Mill Brook has high levels of P and algae. South Meadow Brook has high levels of P, TSS, bacteria, and algae. The bacteria levels exceed the EPA safe boating standards. Algae levels are commonly highest in front of pipes, especially in June and July. D. Dixon asks what strategies the Commission could use to try to improve the situation. He asks what J. Wood thinks of targeted mailings, and thinks the CRWA and Newton Conservation Commission could cooperate in this. D. Green asked about the latest technology. J. Wood said the results of the latest sampling will soon be on the web (GoogleEarth)

Newton Commonwealth Golf Course - request for extension to OOC for DEP file #239-495 for vegetation management of water chestnut, purple loosestrife, cattails, & tree growth, maintenance dredging and repair of the #13 siltation pond and repair of cement structure and waterway under bridge near the ventilation chamber.

Report: Water quality testing results provided (per special condition 29a); no Management Plan provided (per special condition 29b) – see special conditions. Did CC require this only if Rodeo used after first year, or was this condition required, anyway. Watershed management plan would be good idea, and could start w/very basic plan, as I discussed with the manager. Sediment dredging of Pond 13 conducted, and Rodeo used in first year. Mechanical harvesting of cattails, water hyacinth and willows on-going, and rotated so not all vegetation removed all at once. Lower irrigation pond needs repair, and was approved under OOC, but has not yet been done. Work on bridges done, but work on upper sluiceway is not done. Basic repair can be done, but I believe if total re-build undertaken (with any changes at all), will need US Army Corps permit.

Meeting: David Stowe, manager represented the Golf Course and reported on the work completed, as well as work remaining to be done. Use of herbicide at request of Chandler Pond Society, which also planned to use it. It was used to target curly leaf pond weed and water milfoil. He believes the management plan was only to be prepared if Rodeo was to be used more than once. The irrigation pond was not repaired because the electrical box was located near it and they had to first address where that would be relocated – an issue solved when the golf course built the new pump house under a different OOC. The Golf Course responded to staff's concerns about overflow and erosion from the irrigation pond by installing haybales and silt fence between the eroded

areas and the stream. There is an on-going need for vegetation management, including cutting down cattails so they do not obstruct the view, and cutting/removal of willows that arise in the ponds from suckers. N. Richardson has just been appointed by the Mayor to be the Conservation representative to the Golf Course Foundation. Discussion followed concerning whether the Order of Conditions could be amended and extended. Staff suggested there is need of a Management Plan for on-going work, and could be 4-5 pages describing current practices, while repairs, such as the irrigation pond, bridges and sluiceway are 1-time events. The Commission asked the Golf Course to submit a Management Plan for the watershed, including maintenance of ponds by removal of silt and vegetation. Mr. Stowe agreed to continue to May 22 meeting to prepare a Management Plan.

483 Dedham St. – Charles River Country Club – RDA for replacement of existing irrigation system

Report: Have requested additional information, but it has not been received. Site visit is schedule for 2 days prior to meeting. Also, there are 2 expired OOCs in file with no COCs.

Meeting: Kelly Cardoza of Avalon Consulting (and others) represented CRCC and described the proposed new irrigation system. Senior Planner, Anne Phelps, and DPW Engineer Frank Nichols visited site April 22, met with Paul Blanus, Manager, and Kelly Cardoza, Avalon Consulting, and received larger scale plans at that time. A letter from CRCC was also provided stating that the outstanding OOCs would be addressed. There are half a dozen different sites on the golf course where new irrigation is proposed that are within 1 or more of the following resource areas: riverfront, bordering vegetated wetland, and bordering land subject to flooding, and/or buffer zone (either to BVW or to bank). There is also one (probable) vernal pool. Anne thinks the applicant should identify the resource areas, but only the riverfront area has been identified (from a previous filing). D. Dickson suggested the Commission assume all the work is proposed in wetland areas and then ask if the condition is any worse with replacement of irrigation. The attorney for CRCC stated the Commission should assume the area is not a resource area because they are not changing it. When the issue of the outstanding OOCs was raised, Ms. Cardoza stated that CRCC realized there are maintenance issues the club needs to address with the wetland areas. Discussion commenced on whether a Determination of Applicability could be conditioned. I. Wallach asked whether the CRCC would accept a DOA with conditions, and they agreed. The conditions required include: 1) That work be conducted in the manner described; 2) That the Commission be provided with an as-built plan (based on GPS scale – a copy of that provided to CRCC by the irrigation company); 3) That the Commission be supplied a statement that the work was only conducted within the greens turf; 4) That the clerk of works report to the Commission that there have/has been a) no open trenches overnight, b) no fertilizer to be applied through the irrigation pipes, and c) that no work will/has occurred on rainy days. CRCC representatives present agreed.

Vote: Motion by D. Dickson to issue negative determination on the work. Second by R. Matthews. Vote: All in favor. Motion passed.

2345 Commonwealth Av – Marriott Hotel –NOI for addition for staircase, new paving, new retaining wall and grading & drainage for 420 sf of new impervious coverage in riverfront to the Charles (all outside work has stopped).

Report: Work was begun w/building permit without realizing permit from CC, as well as special permit for 3 ft grade change needed. Applicant came to Planning to ask how to proceed. Engineering reports that proposed drainage goes directly to Charles w/out mitigation, and will have to be changed. However, work is in outer 50 ft of riverfront, all of proposed work is surrounded by previously paved area, and mitigation of > 1:1 is offered. Plan will meet interests under the Act when drainage plan is approved.

Meeting: Attorney Jason Rosenberg was present with employees of the Marriott Hotel. He explained that the applicant did not realize the need to file with Conservation or to check on zoning requirements. When they realized the work was within the 200 ft riverfront, they contacted staff to rectify the situation. They asked for Conservation to consider allowing the work to go on. They are proposing mitigation, including: runoff from the new roof is piped to an infiltration chamber, pavement runoff is being treated by a deep sump basin, a small shed near the bank of the Charles is being removed and two planting areas are being planted with native shrubs. New plans have been provided and have been approved by engineering. Plantings will be continuing condition to remain in perpetuity. They still need a special permit from the Board of Aldermen for a 3 ft grade change for a new retaining wall. The Commission is willing to approve, subject to getting a special permit (w/no significant changes to the existing plan), and a file number from DEP).

Vote: Motion by D. Dickson to approve plan with mitigation and conditions as noted. Second by D. Green. Vote: All in favor. Motion passed.

90 Wayne Rd. – NOI to demolish house and rebuild in buffer to bordering vegetated wetland adjacent to Saw Mill Brook Conservation Area, at corner of Eastham Rd. and Wayne Rd., and lies on the edge of historic Wayne Pond Swamp.

Report: City GIS shows bordering vegetated wetland on adjacent property to NE that is closer to street than line flagged by consultant, which follows rock wall at rear of properties. Consultant delineation shows wetland line immediately behind wall at corner with abutter #82. CC should not confirm wetland line on abutter's property for this project. The area of disturbance seems larger than needed, the erosion & sediment control measures to be placed along property line with #82 and across back rock wall about 10 ft from BVW. Excavation for the erosion and sediment controls of haybales and silt fence along the property line with abutter at #82, and for leaching drywells, may cause damage to roots of large pine on abutter's property. Proposed mitigation includes infiltration of driveway & roof runoff and large planting strip at rear of property along rock wall. If CC approves plan, applicant should provide plan w/list of native trees and shrubs to be planted in this "naturalized planting strip."

Meeting: John Rockwood of EcoTec, Inc., appeared with Bob Jardne to represent applicant. Following discussion, Mr. Rockwood proposed new plan – provided at meeting. Mr. Rockwood said written planting plan is in Site Report attached to Notice. He agreed to move leaching drywell chambers so that they are 14 ft from property boundary and use Filtrex filter soxx, or similar product as erosion and sediment control between the excavation for the infiltration system and the property line so as to avoid harm to tree roots from abutter's tree. Will use staked, entrenched, and back-filled haybales and silt fence elsewhere that erosion and sediment control is used. Commission also asked for condition to clean out manhole for infiltration system on a regular basis as on-going condition. Commission believes it may be difficult to enforce but is good to have it on the deed to increase awareness.

Vote: Motion by N. Richardson to approve plan revisions of 4-23-08 and with mitigation and conditions as proposed Second by D. Green. Vote: All in favor. Motion passed.

Violations

160 Pine St –Staff issued EO, but CC should sign one to re-issue. No new word from condo association.

3 Fuller Avenue – Nothing new at this time.

1203&1211 Washington- Applicant requests CC lift EO.

Meeting: John Rockwood represented owner and noted they had filed an amended NOI that incorporated placement of rocks for mitigation in stream. The mitigation work agreed upon cannot be done until DPW finishes its work on the wall lining the bank. The Commission does not wish to lift the EO until the mitigation work has been performed.

93 Andrew St – nothing new

394 Boylston St. – contractor exceeded agreed-upon scope w/3-ft grade change and terraced lower slope. Owner & contractor have agreed to re-grade lower slope, plant average 8 ft buffer of shrubs from native list, and install sod to retaining wall to control for any erosion. Can come in for sign-off as early as fall 2008, if sod and plants growing well.

15 Harwich Rd- Staff agreed with wetland scientist on wetland delineation. Site plan, showing all required conditions should be coming soon.

Certificates of Compliance

212 Kenrick– Commonwealth Golf Course – repair/replacement of irrigation system – RECEIVED (corrected) engineer-stamped or surveyor-stamped as-built.

Meeting: Staff reported that as-built meets requirements and measurements have been corrected. Certificate was approved.

19 Phillips Lane –Notified applicant that as-built must show dry well/infiltration & need certification from engineer that it is working, in lieu of annual inspection reports.

27 Selwyn OOC issued for work never begun. OOC recorded but expired. Owner requests COC. Applicants, Mr. and Mrs. Keyser were present. Has new OOC for same work. Certificate was approved.

Announcements & General Business:

MACC Spring Conference & Storm water seminar in Boston – Staff will summarize new Storm Water Regs for next meeting.

Meetings: The agendas have been full, so staff will summarize and email to Commission.

March 27, 2008 Meeting Minutes for approval –

Vote: Motion by I. Wallach to approve as written. Second by S. Lunin. Ayes: S. Lunin, I. Wallach, D. Green, N. Richardson, and R. Matthews. D. Dickson abstained, since he was not present at the last meeting. Motion passed.

Non-criminal ticketing - report

Outstanding issues – discussion

Dog Park – Norm Richardson is on a committee to help develop rules and an application for areas to be used as dog parks. Commission members agreed to email comments.

Meeting concluded at 11:30pm.

Anne Phelps, Sr. Environmental Planner